

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Reissue Application |) | Former Examiner: Lazarus & Lee |
| LEE, T. |) | |
| |) | Group Art Unit: 3743 |
| Based on U.S. Patent 5,971,751 |) | |
| Issue Date: 10/26/1999 |) | |
| Prior Serial No. 08/881,964 |) | Atty Docket No.: 01-10-1769 |
| Prior Filing Date: 6/5/1997 |) | |
| |) | |
| Title: Safety Apparatus of a |) | |
| Piezoelectric Lighter |) | |

PRELIMINARY AMENDMENT WITH REMARKS PURSUANT TO 37 CFR § 1.173(c)

Hon. Commissioner for Patents
Box REISSUE
Washington, D.C. 20231

Sir/Madam:

Pursuant to 37 CFR 1.173, this preliminary amendment with remarks is respectfully filed with a U.S. Reissue Patent Application based on U.S. Patent No. 5,971,751 ('751 patent). The applicant brings this reissue application by reason to correct errors without any deceptive intent and by reason to that the patentee claimed less than to which he had a right, pursuant to 35 U.S.C. § 251.

Add claims 7 and 8 as follows:

Claim 7. A piezoelectric lighter having a fuel tank, a gas ejecting tip communicating with said fuel tank, a piezoelectric unit having an ignition tip connected thereto capable of producing a spark to ignite fuel released from said gas ejecting tip, and a thumb push cap capable of activating said piezoelectric unit when depressed, the improvement comprising:

said piezoelectric unit including a mechanism for providing an upward force for urging said thumb push cap into an upper normal position; and,

a safety apparatus having a pressure absorbing device positioned to engage an underside of said thumb push cap to impede movement of said cap in addition to said upward force provided by said piezoelectric unit.

Claim 8. A piezoelectric lighter having a fuel tank, a gas ejecting tip communicating with said fuel tank, a piezoelectric unit having an ignition tip connected thereto capable of producing a spark to ignite fuel released from said gas ejecting tip, and a thumb push cap capable of activating said piezoelectric unit when depressed, the improvement comprising:

said piezoelectric unit including a mechanism by which an upward force is transmitted to said thumb push cap to urge said cap into an upper normal position; and,

a safety apparatus having a pressure absorbing device capable of transmitting an additional upward force to said thumb push cap to augment the upward force provided by said piezoelectric unit.

REMARKS

Pursuant to 37 CFR § 1.173(c) and the requirement for status of claims and support for claim changes, the applicant provides these remarks for the new claims 7 and 8. These new claims are based on the specification, claims, and drawings of U.S. Patent No. 5,971,751; no new matter has been added. The antecedent basis for claims 7 and 8 can be found in Fig. 2-4 and in the specification between Col. 3, line 35 to Col. 5, line 8. In particular for claims 7 and 8, the applicant points the Examiner's attention to Col. 3, lines 41 to 63 and Col. 4, lines 26 to 65.

Original claims 1-6 are pending for this reissue application.

Current Assignee: Calico Brands, Inc.

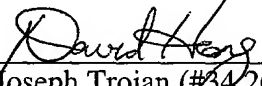
Please also note that the first page of this '751 lists the previous assignee as Mr. Chun Ching Yeh of Covina, CA. Mr. Yeh assigned the rights to Serial No. 08/881,964 to CALICO BRANDS, INC. on September 10, 1999. This 9/10/1999 assignment was recorded with the U.S. Patent Office twice: (1) 09/17/1999 at Reel/Frame (010246/0486) and (2) 09/29/1999 at Reel/Frame (010292/0240). Copies of these two (2) recorded assignments (dated September 10, 1999) from the former assignee, Mr. Chun Ching Yeh, to Calico Brands, Inc. and the required Statement Under 37 CFR 3.73(b) are included with this reissue application.

If any additional fees are required as a result of this amendment, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 500703.

Respectfully Submitted,

TROJAN LAW OFFICES

By


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Dated: October 26, 2001

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